

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DOROTHY MERRIFIELD, et al.,

Plaintiffs,

v.

UNITED STATES of AMERICA, et al.,

Defendants.

Civil No. 07-987 (JBS)

FINAL ORDER
FOR DISMISSAL

This matter having come before the Court on the motion [Docket Item 11] of Defendants to dismiss Plaintiffs' class complaint in its entirety, pursuant to Fed. R. Civ. P. 12(b)(1), for lack of subject matter jurisdiction; the Court having heard oral argument on the matter; and having reviewed the submissions of the parties in support thereof and in opposition thereto; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 31st day of **March, 2008** hereby

ORDERED that the Motion to Dismiss is **GRANTED** as to Plaintiffs Oberlander, Merrifield, Heiser and Kiziukiewicz, **without prejudice** to their right to seek judicial review after final exhaustion of the available administrative remedies; and it is

FURTHER ORDERED that the Motion to Dismiss is **GRANTED** as to

Plaintiffs Burke and Frick due to mootness.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

United States District Judge